

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE ENROLLED ACT No. 154

AN ACT to amend the Indiana Code concerning state police, civil defense and military affairs.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 10-8-3 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 1999] :

Chapter 3. Transportation of High Level Radioactive Waste

Sec. 1. (a) This chapter applies to high level radioactive waste transported to or from facilities sited, constructed, or operated in accordance with the federal Nuclear Waste Policy Act of 1982.

(b) This chapter does not apply to radioactive materials shipped by or for the federal government for:

- (1) military;**
- (2) national security; or**
- (3) national defense;**

purposes.

Sec. 2. As used in this chapter, "high level radioactive waste" means:

- (1) irradiated reactor fuel;**
- (2) liquid wastes resulting from the operation of a first cycle solvent extraction system, or its equivalent, and the**

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concentrated wastes from a subsequent extraction cycle, or its equivalent, in a facility for reprocessing irradiated reactor fuel; and

(3) solids into which liquid wastes described in subdivision (1) have been converted.

Sec. 3. (a) Before a person may transport high level radioactive waste in Indiana, the person who is responsible for the shipment must submit the following to the director:

(1) A notice that includes:

(A) the highway or railway route, date, and time of the shipment of high level radioactive waste; and

(B) other information required under 10 CFR 71.5(a) and 10 CFR 73.37(f).

(2) A transportation fee of one thousand dollars (\$1,000) for each total shipment of nuclear waste.

(b) The director shall deposit fees collected under this section in the nuclear response fund established by section 6 of this chapter.

Sec. 4. (a) The director shall consult with:

(1) the state health commissioner of the state department of health;

(2) the commissioner of the Indiana department of transportation;

(3) the commissioner of the department of environmental management;

(4) the director of the department of natural resources;

(5) the superintendent of the state police department;

(6) representatives of the:

(A) United States Nuclear Regulatory Commission;

(B) Federal Emergency Management Agency;

(C) United States Department of Energy; and

(D) United States Department of Transportation; and

(7) a representative of a local emergency management agency designated by the director;

to prepare a plan for emergency response to a high level radioactive waste transportation accident in Indiana. The plan must include provisions for evacuation, containment, and cleanup and must designate the role of each state or local government agency involved in the emergency response plan.

(b) The director shall report to the general assembly each year on the:

(1) status of the plan prepared under subsection (a); and

(2) ability of the state to respond adequately to a high level



radioactive waste transportation accident in Indiana.

Sec. 5. (a) Under 49 CFR Part 177, the director may require preferred highway routes for transporting high level radioactive waste in Indiana if the director determines under United States Department of Transportation "Guidelines for Selecting Preferred Highway Routes for Large Quantity Shipments of Radioactive Materials" that alternative routes are safer than proposed routes.

(b) The director shall:

- (1)** annually review federally approved highway and railway routes for transporting high level radioactive waste in Indiana; and
- (2)** select new state designated routes in accordance with 49 CFR Part 177 if safety considerations indicate the alternate routes would be preferable.

(c) Before the director may require alternative routes under subsection (a) or select new state designated routes under subsection (b), the director must do the following:

- (1)** Consult with all of the persons described in section 4(a) of this chapter.
- (2)** Conduct or engage in substantial consultation with the affected local county authorities.
- (3)** Notify the:
 - (A)** state health commissioner of the state department of health;
 - (B)** commissioner of the department of environmental management;
 - (C)** superintendent of the state police department; and
 - (D)** local emergency management agency and applicable local fire and law enforcement agencies in each affected county;

of the director's final decision concerning an alternative route or a new state designated route before the date upon which the alternative route or new state designated route takes effect.

- (4)** If the director wishes to change the route of a railway shipment of high level radioactive waste, the director must notify the United States Department of Energy and the appropriate rail carrier of any changes the director feels should be made to the route.

(d) The state does not incur any liability by requiring alternate routes to be used as provided under this section.

Sec. 6. (a) The nuclear response fund is established to provide



appropriate education, training, and equipment to local emergency responders in counties that will be affected by the transportation of high level radioactive waste under this chapter.

(b) Sources of money for the fund consist of transportation fees deposited under section 3(b) of this chapter.

(c) The state emergency management agency shall administer the fund. Money in the fund is annually appropriated to the state emergency response commission to be used for purposes described in subsection (a).

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(f) Money in the fund at the end of a fiscal year does not revert to the state general fund.

Sec. 7. This chapter does not require the disclosure of defense information or restricted data (as defined in the federal Atomic Energy Act of 1954 (42 U.S.C. 2014)).

Sec. 8. The state emergency management agency may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 2. [EFFECTIVE JULY 1, 1999] (a) The director of the state emergency management agency shall prepare the initial plan for emergency response to a high level radioactive waste transportation accident in Indiana required under IC 10-8-3-4, as added by this act, before July 1, 2000.

(b) This SECTION expires July 2, 2000.

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